

1 Norman La Force, State Bar #102772
2 Fortune, Drevlow, O'Sullivan & Hudson
3 560 Mission Street, 21st Floor
4 San Francisco, CA 94105
5 (415) 227-2300

6 Attorneys for Defendant
7 TGC 24-Hour Truck Repair, Inc.
8 sued herein as TGC 24 Hour Truck Repair, Inc.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 FIKRET ASHKAR,

12 Plaintiff/Respondent,

13 vs.

14 TGC 24 HOUR TRUCK REPAIR INC.; TGC
15 TRUCK REPAIR, INC., Does I-XX,

16 Defendants/Petitioners.

Case No.: C 07-4236 JCS

STIPULATION AND ORDER RE
REMAND

17 RECITALS

18 Defendant TGC 24-Hour Truck Repair, Inc. initially removed this case to federal court
19 on the good faith belief that plaintiff's claims were pre-empted by the Labor Management
20 Relations Act, 20 U.S.C. §185 based on the information defendants had at the time and the
21 short time frame provided for removing a case to federal court. Plaintiff then filed a motion
22 to remand the matter back to state court. After reviewing the moving papers and the factual
23 information obtained since the removal and now available, defendants agree that that case
24 should be remanded back to state court rather than contest the issue at hearing. The parties
25 therefore stipulate as follows:

26 STIPULATION

27 It is stipulated by and between counsel for plaintiff and counsel for defendants that this
28 case shall be remanded back to state court.

-1-

1 Dated: 10-12-2007

Highman, Highman & Ball

2
3
4 By: Louis A. Highman
Attorney for Plaintiff
Fikret Ashkar5
6
7 Dated: 10/12/07

Fortune, Drevlow, O'Sullivan & Hudson

8
9
10 By: Norman La Force
Attorney for Defendant
TGC 24-Hour Truck Repair, Inc. sued
herein as TGC 24 Hour Truck Repair, Inc.
and TGC Truck Repair, Inc.11
12
13
14
15 ORDER

16 It is so ordered.

17
18
19 Dated:20 Joseph C. Spero, Magistrate-Judge
United States District Court